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United States
Department of
Agriculture

Food Safety
and Inspection
Service

February 1984

Compilation of Meat and Poultry Inspection Issuances

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Comparison of
Moral and Political
Instruction in Schools



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Period Covered in this Issuance is January and February 1984

CHANGE TRANSMITTAL SHEET

☐ DIRECTIVE

☐ REVISION

☐ AMENDMENT

☒ OTHER

CHANGE 84-1 to
MEAT AND POULTRY INSPECTION MANUAL

#84-1

January 1984

I PURPOSE

This document transmits changes to the Meat and Poultry Inspection Manual.

II CHANGES

Remove

Page 3 and 4

Insert

Page 3 and 4

III CANCELLATION

This change transmittal is cancelled when contents have been incorporated into the MPI Manual.

Attachment



Paul Ragan, Director
Regulations Office
Policy and Program Planning

PEN AND INK CHANGES

December 1983 Maintenance Sheet, Pen and Ink Changes: 2nd line, the word "new" should read "net"; 4th line, "KG" and "G" should read "kg" and "g".

Page 177, Section 18.70(a)2., 2nd column, 8th line, should read "Section 350.3(a)".

DISTRIBUTION:

M91, M94

OPI:

MPITS/FESD

WIND-DRIVEN WAVES

1. Name _____

2. Date _____

3. Class _____

4. State the purpose of this experiment. _____

5. List the apparatus used. _____

6. Describe the procedure followed. _____

7. Results _____

8. Conclusions _____

9. Discuss the sources of error and the accuracy of the results. _____

PART 4

APPLICATION FOR INSPECTION;
GRANT OR REFUSAL OF INSPECTION

APPLICATION FOR INSPECTION

Subpart 4-A

(Regs: M-304; P-Subpart D)

4.1 APPLICATION

See MPI Directive 915.1, Rev.3.

4.2 DRAWINGS**(a) Preparation**

Instructions for preparing drawings or blueprints for meat plants are in
 * "Agriculture Handbook No. 570, U.S. Inspected Meat Packing Plants."

Drawings shall include plot, floor and plumbing plans; room finish schedule, specifications and other information necessary for evaluation.

(b) Submittal

Drawings or blueprints for remodeling or new construction shall be submitted as required (MR-304, 308; P-Subpart D; MPI Directive 915-1 Rev.3), and shall be sent with Form

* MP 423 through the area supervisor to MPITS/FESD.

The area supervisor shall assure that all drawings comply with instructions in the regulations. He shall also determine whether they are fully informative and comply with inspection requirements.

(c) Changes

If drawing changes are needed, the area supervisor shall have them made before sending the drawings to

MPITS/FESD. If changes cannot be agreed upon locally, he shall submit them with his comments and recommendations.

(d) Paster Drawings

Changes in the form of pasters must be presented with one paster applied to a previously approved master drawing so that essential features, both new and previously approved, are shown. The paster must be of the same scale and have same color background as the master drawing. The master drawing should be replaced by a new drawing after approximately three pasters have been applied for approval purposes.

(e) Yearly Review

Circuit supervisors and inspector-in-charge should review all drawings at least yearly, and date and initial such drawings upon completion of the review. *

(f) Obsolete Drawings

Obsolete drawings are to be destroyed. Approved 3 year old drawings are outdated when inspection has not begun. The area supervisor should notify MPITS/FESD when projects are abandoned or inspection has been withdrawn. *

4.3 FACILITY SURVEY

(a) Program Responsibility

Area supervisors are responsible for:

1. Surveying proposed plants to determine compliance with approved drawings and specifications, and general readiness for inspection.
2. Surveying construction at official plants involving plant enlargement or remodeling projects to assure compliance with approved drawings.
3. Reporting survey results and observations to the regional office.

(b) Equipment

The following equipment should be available for survey: scale ruler, tape measure (preferably metal), light meter, colored pencil for noting deviations on drawings.

These articles may be borrowed from plant management if they are not readily available.

(c) Review of Drawings

Before surveying a proposed plant or department, area supervisors or their designees shall carefully read the specifications accompanying the drawings and shall become reasonably familiar with the floor plan, rail heights, type of ventilation, water supply, sewage disposal system, floor drain traps, equipment construction, floor finishes, walls and ceilings and other important features or standards often included only in the specifications.

(d) Facility Review

Area supervisors are responsible for reviewing facilities to assure conformity with drawings by:

1. Measuring ceiling and rail heights, spacing of intended operations, door widths, spacing of fixed equipment in relation to walls.
2. Locating floor drains, floor pitch toward drains, handwashing facilities--hot and cold running water, liquid soap dispensers,

individual towels, and used towel receptacles--hot and cold water hose connections, and major pieces of equipment.

3. Reviewing the water system with emphasis on distribution, capacity and ability to deliver hot water at a specific temperature to certain locations.

4. Examining ventilation system in work areas, welfare rooms; facilities for maintaining refrigerated work spaces at temperature designated on drawings or in specifications; and outside premises to determine whether roadways, livestock pens, area around catch basins, etc., conform to approved drawings and specifications.

5. Examining employee's welfare facilities and inspector's office to determine whether they are as illustrated or described in the drawings and specifications, and whether the facilities are adequate for the number of employees.

(e) Survey Report; Deviations

Any deficiency or deviation shall be recorded.

Area supervisor shall make a written report to plant management specifically indicating changes and/or additions required to render facilities acceptable. A copy of the report shall be sent to RD.

Area supervisor may accept certain deviations from approved drawings or specifications--slight relocation of a lavatory, hot and cold water hose connections, a piece of equipment--provided such deviations do not interfere with inspection and sanitation. Other deviations must be corrected or cleared with MPITS/FESD. *

(f) Management Responsibility

Management shall inform the area supervisor when deficiencies are corrected and shall request another survey.

☐ DIRECTIVE

☐ REVISION

☐ AMENDMENT

☒ OTHER

CHANGE TRANSMITTAL SHEET

CHANGE 84-2 to
MEAT AND POULTRY INSPECTION MANUAL

#84-2

February 1984

I PURPOSE

This document transmits changes to the Meat and Poultry Inspection Manual.

II CHANGES

Remove

Page 86a

Insert

Page 86a

III CANCELLATION

This change transmittal is cancelled when contents have been incorporated into the MPI Manual.

Attachment



Paul Ragan, Director
Regulations Office
Policy and Program Planning

DISTRIBUTION:

M91, M94

OPI:

MPITS/SISPD

(g) Stomachs

Stomachs saved for food purposes must be emptied * * * soon after removal from carcasses without contaminating outer surfaces.

Abnormalities--Contamination, parasites, abscesses.

Swine--When pork stomachs are not split, inner and outer surfaces must be presented for inspection.

(h) Chitterlings

Swine--Feces, nodules, excessive fat, ileocecal valve. Chitterlings shall be free from contamination on both surfaces. Excessive fat and

CHANGE TRANSMITTAL SHEET

☐ DIRECTIVE

☐ REVISION

☐ AMENDMENT

☒ OTHER

CHANGE 84-1 to
MEAT AND POULTRY INSPECTION REGULATIONS

#84-1

February 7, 1984

I PURPOSE

This document transmits changes to the Meat and Poultry Inspection Regulations.

II CHANGES

Remove

Insert

SUBCHAPTER A - MEAT INSPECTION REGULATIONS

Pages 20a and 20b

Pages 20a and 20b

SUBCHAPTER B - VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

Pages 3, 4, 7, 8, 25, 26, 47, 48, 61, and 62

Pages 3, 4, 7, 8, 25, 26,
47, 48, 61, and 62

SUBCHAPTER C - POULTRY INSPECTION REGULATIONS

Pages 5, 6, 24a, 24b, 33, and 34

Pages 5, 6, 24a, 24b, 33,
and 34

EFFECTIVE DATES:

Fee Increase--1/22/84

Kidney Removal from

Mature Poultry--2/29/84

III CANCELLATION

This change transmittal is cancelled when contents have been incorporated into the Meat and Poultry Inspection Regulations.



Ralph Stafko, Acting Director
Regulations Office
Policy and Program Planning

Attachment

DISTRIBUTION:

M91, M94

OPI:

FD
MPITS/SISPD

(§ 307.4(c) continued)

basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday, excluding lunch period. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its functions.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved; Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after completion of his daily tour under the provisions of § 307.6(b).

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$17.72 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday. *

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

§ 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of full quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(§ 307.6 cont'd.)

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 350.5 Application for service.

Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Administrator, upon an application form which will be furnished by the Administrator upon request.

§ 350.6 Denial or withdrawal of service.

(a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Administrator until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Secretary for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. When the Administrator determines that the public interest so requires, he may deny or withdraw service provided for in this Part, without a hearing, pending final determination of the matter. The applicant or recipient of service involved shall be notified of the Administrator's decision to deny or suspend service and the reasons therefor, in writing, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to deny or suspend the service shall be effective upon such oral or written notification, whichever is earlier, to the applicant or recipient of service. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the applicant or recipient of service, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)).

§ 350.7 Fees and charges.

(a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(§ 350.7 continued)

* (c) The fees to be charged and collected for service under the
* regulations in this part shall be at the rate of \$17.72 per hour for base time,
* \$20.44 per hour for overtime including Saturdays, Sundays, and holidays, and
* \$31.28 per hour for laboratory service, to cover the costs of the service and
shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

§ 350.8 Scope and applicability of rules of practice.

The rules of practice of the Department of Agriculture in Subpart H of Part I, Subtitle A, Title 7 of the Code of Federal Regulations are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR Part 350).

(23 F.R. 9982, Dec. 23, 1958, as amended at 32 F.R. 13115, Sept. 15, 1967; 35 F.R. 6856, Apr. 30, 1970)

PART 351-CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

AUTHORITY: The provisions of this Part 351 issued under secs. 203, 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624.

SOURCE: The provisions of this Part 351 appear at 40 FR 58627, December 18, 1975.

DEFINITIONS

§ 351.1 Meaning of words.

Words used in this Part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 351.2 Terms defined.

When used in this Part, unless the context otherwise requires:

(a) "Department" means the United States Department of Agriculture.

(b) "Program" means the Meat and Poultry Inspection Program of the Food Safety and Inspection Service of the Department.

(c) "Administrator" means the Administrator of the Food Safety and Inspection Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Circuit supervisor" means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.

(e) "Inspector" means an employee of the Program or a cooperating State.

(§ 351.5(c) continued)

shipping technical animal fat from the plant or facility and storing and exporting such technical animal fat, and a written description of the shipping, receiving, and inventory records maintained for technical animal fat.

(d) The Administrator will determine, on the basis of all information available to him, whether the arrangements at the plant or storage facility are such as will assure that certifications of technical animal fat will be correct, and, if so, will grant the application for certification service. An applicant will be given an opportunity to present his views prior to refusal of the service.

§ 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter "C" and be used to identify all certified technical animal fat prepared or stored by the plant.

§ 351.7 Administration of certification service program.

(a) The regulations in this Part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this Part. However, certifications under these regulations may be issued only by Program employees, as provided in § 351.3.

FEES

§ 351.8 Charges for surveys of plants.

* Applicants for the certification service shall pay the Department for salary costs at \$17.72 per hour for base time, \$20.44 per hour for over- *
time, travel and per diem allowances at rates currently allowed by the Government travel regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

§ 351.9 Charges for examinations.

* (a) The fees to be charged and collected by the Administrator for *
examinations shall be \$17.72 per hour for base time and \$20.44 per hour for *
overtime including Saturdays, Sundays, and holidays, as provided for in *
§ 351.14, and \$31.28 per hour for any laboratory service required to deter- *
mine the eligibility of any technical animal fat for certification under the regulations in this part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.

FACILITIES AND OPERATIONS

§ 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase "Certified Technical Animal Fat" whenever they contain these fats.

§ 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this Part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of § 351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under § 351.3.

§ 351.12 Circuit supervisor to be informed when plant operates

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant's work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

§ 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this Part, inspectors shall have access at all times by day or night to every part of a certified plant.

§ 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this Part, except in accordance with such regulations.

(§ 354.75 continued)

Each product for which inspection service is requested shall be so arranged so as to permit adequate determination of its class, quantity, and condition as the circumstances may warrant.

§ 354.76 Time of inspection in an official plant.

The inspector who is to perform the inspection in an official plant shall be informed, in advance, by the applicant of the hours when such inspection is desired. Inspectors shall have access at all times to every part of any official plant to which they are assigned.

REPORTS

§ 354.90 Report of inspection work.

Reports of the work of inspection carried on within official plants shall be forwarded to the Administrator by the inspector in such manner as may be specified by the Administrator.

§ 354.91 Information to be furnished to inspectors.

When inspection service is performed within an official plant, the applicant for such inspection shall furnish to the inspector rendering such service such information as may be required for the purposes of §§354.90 to 354.92.

§ 354.92 Reports of violation.

Each inspector shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the Act and the regulations in this Part of which he has knowledge.

FEES AND CHARGES

§ 354.100 Payment of fees and charges.

(a) Fees and charges for any inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§354.100 to 354.110, both inclusive. If so required by the inspector, such fees and charges shall be paid in advance.

(b) Fees and charges for any inspection service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Food Safety and Inspection Service and remitted promptly to the Service.

(c) Fees and charges for any inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 354.101 On a fee basis.

(a) Unless otherwise provided in this Part, the fees to be charged and collected for any service performed, in accordance with this Part, on a fee basis shall be based on the applicable rates specified in this section.

(§ 354.101 continued)

* (b) The charges for inspection service will be based on the time required
* to perform such services. The hourly rate shall be \$17.72 for base time and
* \$20.44 for overtime or holiday work.

* (c) Charges for any laboratory analysis or laboratory examination of
* rabbits under this part related to the inspection service shall be \$31.28 per
hour.

§ 354.105 Fees for additional copies of inspection certificates.

Additional copies, other than those provided for in §§ 354.141, 354.142, and 354.143, of any inspection certificates may be supplied to any interested party upon payment of a fee of \$2.00 for each set of five or fewer copies.

§ 354.106 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering inspection service. Such charges shall include the costs of transportation, per diem, and any other expenses.

§ 354.107 Continuous inspection performed on a resident basis.

(a) Except as provided in paragraph (b) of this section, the charges for inspection of rabbits and products thereof shall be those provided for in § 354.101(b) when the inspection service is performed on a continuous year-round resident basis and the services of an inspector or inspectors are required 4 or more hours per day. When the services of an inspector are required on an intermittent basis, the charges shall be at the hourly rate provided for in § 354.101(b) plus the travel expense and other charges provided for in § 354.106.

(b) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

§ 354.109 Fees or charges for inspection service performed under cooperative agreement.

Fees or charges to be made to an applicant for any inspection service which differ from those listed in §§ 354.100 through 354.107 shall be provided for by a cooperative agreement.

§ 354.110 Disposition of fees for inspection made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Service.

INSPECTION PROCEDURES; ANTE-MORTEM INSPECTIONS

§ 354.120 Manner of handling products in an official plant.

(§ 355.11 continued)

reimburse the Department for salary, travel cost, per diem allowance, and the like, expended incidental to any survey of the premises for which the inspection is requested, and in connection with any review of plans which may be made.

§ 355.12 Charge for service.

- * The fees to be charged and collected by the Administrator shall be \$17.72
- * per hour for base time, \$20.44 per hour for overtime, including Saturdays,
- * Sundays, and holidays, and \$31.28 per hour for laboratory service to reimburse the Service for the cost of the inspection service furnished.

SANITATION AND FACILITIES

§ 355.13 Sanitation.

Sanitary facilities and accommodations shall be furnished by every inspected plant. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. They shall be properly lighted and ventilated and of sanitary construction. They shall be separate from the rooms and compartments in which certified products are prepared, stored or handled.

(b) Modern hand-washing basins, including running hot and cold water, soap and towels shall be placed in or near toilet rooms.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet soil lines shall not be discharged into a grease catchbasin.

(d) Properly located facilities shall be provided for cleansing utensils and hands of all persons handling or preparing any products to be certified.

(e) Equipment and utensils used for preparing any products to be certified shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(f) Trucks and receptacles used for inedible materials shall be of such construction as to permit ready and thorough cleansing, shall bear a conspicuous and distinctive mark, and shall be used exclusively for handling inedible material.

(g) Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any certified products, and all other parts of the inspected plant, shall be kept clean. There shall be no handling or storing of materials which creates an objectionable condition in rooms, compartments or places where certified products are prepared, stored or otherwise handled.

§ 355.14 Facilities.

Adequate facilities for the preparation and inspection of the products to be certified shall be furnished and maintained by the inspected plant. Of these the following are specifically required:

(§ 355.14 continued)

(a) A room or compartment adequately equipped for locking or sealing shall be provided for holding products prepared for certification or material used in their preparation which are identified as "U.S. retained," and such rooms and compartments shall be conspicuously marked with the phrase "U.S. retained" prominently displayed.

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles including carcasses, parts of carcasses and other materials, shall be provided.

(c) Rooms or compartments adequate in size and properly equipped for holding samples of canned products prepared for certification under incubation, shall be maintained at the temperature specified in § 355.25(i).

(d) Furnished office room, including light, heat, janitor, and laundry service shall be provided rent free for the exclusive use of the inspector. These facilities shall be set apart for this purpose and provided with lockers suitable for the protection and storage of program supplies. Laundering of inspectors' outer work clothing shall be provided by the management of inspected plants.

§ 355.15 Inedible material operating and storage rooms; outer premises, docks, driveways, etc.; fly-breeding material; nuisances.

All operating and storage rooms and departments of inspected plants used for inedible material shall be maintained in clean condition, and shall be separate and apart from rooms and departments where certified products are prepared, handled, or stored. Docks and areas where cars and vehicles are loaded, and driveways, approaches and alleyways shall be properly paved and drained and the outer premises of every inspected plant shall be kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of any material in which flies may breed, or the maintenance of any nuisance on the premises shall not be allowed.

§ 355.16 Control of flies, rats, mice, etc.

Flies, rats, mice, and other vermin shall be excluded from inspected plants and premises.

§ 355.17 Tagging equipment "U.S. rejected."

When necessary, inspectors shall attach a "U.S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in conflict with the provisions of this part. No equipment or utensil so tagged shall again be used until made acceptable under this part and until removal of the tag. Such tag shall not be removed from the equipment or utensil by anyone other than an inspector.

§ 355.18 Drawings and specifications to be furnished.

Triplicate copies of complete drawings and specifications for remodeling

(§ 362.4 (a)(2) continued)

reject an application or request for service or deny or withdraw service under this paragraph without hearing, pending final determination of the matter, when he determines that the public interest so requires. The operator or applicant of such plant shall be notified of the Administrator's decision to reject the application or request for service or to deny or withdraw such service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to reject an application or request for service or to deny or withdraw the benefits of service under the Act shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(b) For correctable cause.

(1) Basis for denial or withdrawal. An application or request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person whose establishment does not meet the requirements as to premises, facilities, and equipment, and the operation thereof, prescribed in the regulations to prevent the distribution of adulterated poultry or poultry products, or who has not received approval of labeling and containers to be used at the establishment as required by the regulations.

(2) Procedure. An application or request for service may be rejected, or benefits of the service may be otherwise denied to or withdrawn by the Secretary, as provided by this paragraph, after notice and opportunity for hearing before a proper official of the Department. The Administrator may reject an application or request for service or deny or withdraw service under this paragraph without hearing, pending final determination of the matter, when he determines that the public interest so requires. The operator or applicant of such plant shall be notified of the Administrator's decision to reject the application or request for service or to deny or withdraw such service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to reject an application or request for service or to deny or withdraw the benefits of service under the Act shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(c) For miscellaneous reasons. An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person, without a hearing, by the official in charge of the appropriate regional office, with the concurrence of the Regional Director (1) for administrative reasons such as the nonavailability of personnel to perform the service; (2) for the failure to pay for service; (3) in case the application or request related to birds or products which are not eligible for service under Part 362; or (4) in case the person is a partnership, corporation,

(§ 362.4(c)(4) continued)

or other person from whom the benefits of the service are currently being withheld under paragraph (a) of this section. Notice of such denial or withdrawal, and the reasons therefor, shall promptly be given to the person involved. The operator or applicant of such plant shall be notified of such decision to reject an application or request for service or to deny or withdraw the benefits of the service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. Such decision shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the person making such decision shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(d) **Scope and applicability of rules of practice.** The rules of practice of the Department of Agriculture in Subpart H of Part I, Subtitle A, Title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this Part (9 CFR 362).

§ 362.5 Fees and charges.

(a) Fees and charges for service under the regulations in this Part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of \$17.72 per hour for base time, \$20.44 per hour for overtime including Saturdays, Sundays, and holidays, and \$31.28 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

(b) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(viii) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary,¹ and falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(ix) If it is not subject to the provisions of subdivision (vii) of this subparagraph, unless its label bears:

(a) The common or usual name of the food, if any there be, and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except as otherwise provided in § 381.118(c);

(x) If it purports to be or is represented for special dietary uses, unless the label bears such information concerning its vitamin, mineral, and other dietary properties as is required by § 381.124;

(xi) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided in § 381.119, or

(xii) If it fails to bear, directly thereon or on its containers, when required by § 381.123, the official inspection legend and the official establishment number of the establishment where the product was processed; and unrestricted by any of the foregoing; such other information as the Administrator may require in the regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(32) Nonfood compounds. Any substance proposed for use in official establishments, the intended use of which will not result, directly or indirectly, in the substance becoming a component or otherwise affecting the characteristics of poultry or poultry products, excluding labeling and packaging materials as covered in Subpart N of this Part.

(33) Official establishment. "Official establishment" means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations.

(34) Official mark. This term means any symbol prescribed in Subpart M of this part to identify the status of any article or poultry under the Act.

(35) Official inspection legend. This term means the official inspection mark prescribed in § 381.96 or the official poultry identification mark prescribed in § 381.97, showing that an article was inspected for wholesomeness and passed in accordance with the Act.

(36) Official certificate. This term means any certificate prescribed in Subpart M of this part relating to poultry or poultry products.

(37) Official device. This term means any label or other device prescribed in Subpart M of this part for use in applying any official mark.

¹ No such standards are currently in effect. However, § 381.129 prohibits the use of false or misleading containers.

(§ 381.1(b) continued)

(38) Pesticide chemical, food additive, color additive, raw agricultural commodity. These terms shall have the same meanings for the purposes of the Act and the regulations as under the Federal Food, Drug, and Cosmetic Act.

(39) Potable water. "Potable water" means water that has been approved by the State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

(40) Poultry. "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead.

(41) (i) Poultry product. This term means any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in § 381.15. Except where the context requires otherwise (e.g., in subparagraph (42) of this paragraph), this term is limited to articles capable of use as human food.

(ii) Poultry food product. This term means any product capable of use as human food which is made in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in § 381.15.

(42) Poultry products broker. "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(43) Process. Process used as a verb means to conduct any operation or combination of operations, whereby poultry is slaughtered, eviscerated, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed. The term "process" does not refer to freezing of poultry products, except when freezing is incidental to operations otherwise classed as "processing" under this paragraph.

(44) Ready-to-cook poultry. "Ready-to-cook poultry" means any slaughtered poultry free from protruding pinfeathers, vestigial feathers (hair or down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and in the case of certain mature poultry, as defined in § 381.170(a) (1)(vi), (vii) and (2)(iv), the kidneys have been removed in accordance with the requirements of § 381.65(d), and with or without the giblets, and which is suitable for cooking without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry such as reproductive organs, head, or feet that are suitable for cooking without need of further processing.

(45) Regulations. "Regulations" means the provisions of this entire part.

(46) Renderer. "Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption pursuant to the regulations.

(47) Secretary. "Secretary" means the Secretary of Agriculture of the United States or his delegate.

(48) Shipping container. "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(49) Slaughter. "Slaughter" means the act of killing poultry for human food.

(50) State. Except as otherwise provided in § 381.220 State means any State of the United States and the Commonwealth of Puerto Rico.

(§ 381.37 continued)

than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, excluding the lunch period; except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday, excluding lunch period. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its functions.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

§ 381.38 Overtime and holiday inspection service.

* (a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$17.72 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday. *

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

§ 381.39 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate established in § 381.38(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Inspection Service employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of an Inspection Service employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 381.40 (Reserved)

§ 381.41 (Reserved)

§ 381.42 (Reserved)

§ 381.60(a)(2) continued)

for use and the precautions, if any, necessary in the use of such compound for the purpose intended in poultry processing establishments.

(b) As a prerequisite for approval, any compound which is required to be registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act shall be registered and comply with the provisions of that Act, the applicant shall furnish the registration number assigned under the aforesaid Act along with two copies of the label being currently used on the product.

(c) A small sample of the compound (4 to 6 ounces) shall be submitted with the request for approval of its use in poultry processing establishments.

(d) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration.

(e) The Inspection Service is authorized to draw samples of any compound used in any official establishment and make analyses of such compound to determine if the compound conforms to that originally approved and if it is satisfactory for use in official establishments under this section. Whenever the Administrator has reason to believe that a compound may have a deleterious effect on poultry or poultry products, the approval of the particular compound may be suspended, and in such case the processor shall be given an opportunity to show that the compound does not have such effect. After such opportunity has been afforded to the processor, the Administrator shall make a determination as to the effect of the compound on poultry and poultry products and withdraw or reinstate the approval of the compound accordingly. Use of the compound shall not be permitted during the period of suspension.

§ 381.61 Cleanliness and hygiene of official establishment personnel.

(a) No official establishment shall employ, in any department where any poultry product is processed or otherwise handled, any person showing evidence of a communicable disease in a transmissible stage or known to be a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contaminants.

(b) All persons coming in contact with exposed poultry products, or poultry products handling equipment shall wear clean garments and suitable head coverings to prevent hair from falling into poultry products; and shall keep their hands and fingernails clean at all times while thus engaged.

(c) Every person shall wash his hands thoroughly after each use of toilet or change of garments before returning to duties that require the handling of dressed poultry or other poultry products or containers thereof, or poultry product handling equipment.

(d) The use of tobacco in any form, the eating of food, or any other personal habit which may result in adulteration of any poultry product shall not be permitted in any room where exposed dressed poultry or other poultry products are being processed or otherwise handled.

Subpart I-Operating Procedures

§ 381.65 Operations and procedures, generally.

(a) Operations and procedures involving the processing, other handling, or storing of any poultry product shall be strictly in accord with clean and sanitary practices and shall be conducted in such a manner as will result in sanitary processing, proper inspection, and the production of poultry and poultry products that are not adulterated.

(b) Materials which create any condition that may result in adulteration of poultry products shall not be handled or stored in rooms, compartments, or other places in any official establishment where any poultry product is processed, otherwise handled, or stored.

(c) Poultry shall be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and assure that breathing has stopped prior to scalding. Blood from the killing operation shall be confined to a relatively small area.

* (d) Kidneys of mature chickens and mature turkeys (poultry defined
* in § 381.170(a)(1)(vi) and (vii) and (2)(iv)) shall be removed from their
* carcasses after the inspectors complete their post-mortem inspection of
* the poultry viscera, but before completion of the eviscerating operations, and
* shall not be used for human food. *

(e)-(g) [Reserved]

(h) Thawing poultry in water:

(1) Ready-to-cook poultry. When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent the product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) The poultry may be thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70 °F. in temperature. Complete thawing is